

# Notice of Allowability

Application No.

09/883,449

Examiner

John P Trimmings

Applicant(s)

SUNG ET AL.

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2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment dated 12/15/2004.
2. ☒ The allowed claim(s) is/are 1-6, 8-18, 20, renumbered as 1-18.
3. ☒ The drawings filed on 6/18/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*ALBERT RECADY*  
PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### **SPECIAL NOTE**

The previous Office Action by the examiner, dated 12/15/2004, was mailed on the same date that the applicant's Preliminary Amendment, dated 12/15/2004, was received by the U.S. Patent and Trademark Office. In view of the applicant's said Preliminary Amendment, the examiner wishes to vacate the said Office Action dated 12/15/2004, as the contents of this Office Action of 12/15/2004 are moot. Additionally, it will not be necessary for the applicant to respond to the 12/15/2004 Office Action.

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

This Office Action is in response to the applicant's amendment dated 12/15/2004, and is a 1<sup>st</sup> Office Action after the applicant's RCE dated 11/10/2004.

Claims 7 and 19 were cancelled in a prior amendment dated 6/23/2004.

Claims 1, 8 and 13 were amended in a prior amendment dated 6/23/2004.

Claims 1-6, 8-18 and 20 are pending.

### ***Response to Amendment***

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1. The examiner wishes to remind the applicant that the rejections under 35 USC 112 second paragraph were previously withdrawn in the examiner's Advisory response dated 8/24/2004.

2. Applicant's arguments, see amendment filed 12/15/2004, with respect to Claims 1, 8 and 13 have been fully considered and are persuasive. The rejection of Claims 1, 8 and 13 under 35 USC 103(a) has been withdrawn. Consequently, the rejections of Claims 2-6, 9-12, 13-18 and 20, being dependent on Claims 1, 8 and 13, are also withdrawn.

***Allowable Subject Matter***

3. Claims 1-6, 8-18 and 20 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: the prior arts of Ohsawa and Lu taken alone, or in combination failed to teach, anticipate, suggest, or render obvious the claimed invention or the method steps of the application. Specifically, the prior arts failed to teach, anticipate, suggest, or render obvious the following: "descrambling said set of faults", as cited in Claims 1, 8 and 13.

Consequently, Claims 1, 8 and 13 are allowed over the prior arts of record.

Claims 2-6, 9-12, 13-18 and 20 are directly or indirectly dependent upon Claims 1, 8 and 13, and therefore are also allowable over the prior arts of record. In total, Claims 1-6, 8-18 and 20 are allowed, and are renumbered as Claims 1-18.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P Trimmings whose telephone number is (571) 272-3830. The examiner can normally be reached on Monday through Thursday, 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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